

REMARKS

Claims 1, 3-11, 13-15, 17-30, 32-41. Claims 2, 12, 16, and 31 are now cancelled. Claims 1, 3-11, 13-15, 17-30, 32, 33, 34, and 39 are now amended. The claim amendments are fully supported by the application as filed and do not present new subject matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

TELEPHONIC INTERVIEW

Applicant's representative, Brent Seitz, thanks Examiners Araj and Robert for the courtesies extended during the telephonic interview of October 31, 2005. During the interview, proposed amendments to the claims were discussed. The Examiners indicated that the amended claims are allowable over the art of record.

CLAIM OBJECTIONS

Claims 13, 26, and 27 stand objected to for various informalities.

The Office Action requests clarification as to whether Claim 13 is directed to the combination of the bone screw anchor and the bone plate. Applicant acknowledges that Claim 13 is directed to a bone screw anchor system comprising both a bone screw anchor and a bone plate.

The Office Action requests clarification as to whether Claims 26 and 27 are directed to the combination of the bone screw anchor and a delivery apparatus. Applicant acknowledges that Claims 26 and 27 are directed to a bone screw anchor system comprising both a bone screw anchor and a delivery apparatus.

Applicant respectfully requests that the objections of Claims 13, 26, and 27 be reconsidered and withdrawn in light of the above clarification.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3-8, 10, 12-15, 17-22, 24, 26, 28-30 and 32-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tronzo (U.S. Pat. No. 4,653,489). Claims 1, 3-9, 14, 15, 17, 18, 34-36 and 38-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schultheiss et al. (WO 01/12088). Claims 1, 3, 4, 6, 8, 9, 12, 14, 15 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kwan (U.S. Pat. No. 5,338,197). These rejections are respectfully traversed.

Amended independent Claims 1 and 34 recite, in part, a bone screw anchor system comprising a head defining a groove that is operable to cooperate with a driving tool to facilitate implantation of the bone screw anchor within bone. Claim 1 further recites that the anchor has an open tip.

The Tronzo reference appears to disclose, with reference to Figure 1, a hip pin 14 having a sliding hip screw 32 that secures the pin 14 to the injured hip. The hip pin 48 includes threads 48 operable to cooperate with an extension tube 46 of a syringe 50. The Tronzo reference fails to disclose a head having a groove operable to cooperate with a driving tool, as set forth in amended Claims 1 and 34.

The Schultheiss et al. reference appears to disclose, with reference to Figures 1-6, a bone screw having interior threads 55. The interior threads 55 are operable to cooperate with screw head 58 or 60. The Schultheiss et al. reference fails to disclose or suggest a screw head having grooves operable to cooperate with a driving tool to

facilitate implantation of the anchor within bone, as set forth in amended Claims 1 and 34. The Schultheiss et al. reference also fails to disclose or suggest an open tip, as set forth in Claim 1.

The Kwan reference generally recites with reference to Figure 3, an anchor pin for securing an artificial tooth or dental prosthesis. The pin disclosed in Kwan is inserted into a pre-drilled bore-hole in the patient's bone. Col. 5, lines 9-11. The pin includes internal threads 60 to which an externally threaded male member (not shown) of an artificial tooth or dental prosthesis is threadably inserted. Col. 5, lines 33-36. The pin has a closed tip. Kwan fails to disclose or suggest the pin having a groove in the head that is operable to cooperate with a driving tool to facilitate implantation of the anchor within the bone, as set forth in amended Claims 1 and 34. Kwan also fails to disclose or suggest the pin having an open tip, as set forth in Claim 1.

Amended Claims 19 and 39 recite, in part, a bone screw anchor system in which an implant is secured between a fastening device and the bone screw anchor. Claim 19 further recites that the anchor has an open tip.

The Tronzo reference appears to disclose a hip pin 14 having a plate 34. The plate is secured to the bone using fasteners 36. The Tronzo reference fails to disclose or suggest a bone screw anchor system in which an implant is secured between a fastening device and a bone screw anchor, as set forth in amended Claims 19 and 39.

The Schultheiss et al. reference appears to disclose, with reference to Figures 1-6, a bone screw having interior threads 55 and a closed tip. The interior threads 55 are operable to cooperate with screw head 58 or 60. The Schultheiss et al. reference fails to disclose or suggest a bone screw anchor system in which an implant is secured

between a fastening device and a bone screw anchor, as set forth in amended Claims 19 and 39. The Schultheiss et al. reference also fails to disclose or suggest an open tip, as set forth in Claim 19.

The Kwan reference appears to disclose, with reference to Figure 3, an anchor pin for securing an artificial tooth or dental prosthesis. The pin has a closed tip and includes internal threads 60 to which an externally threaded male member (not shown) of an artificial tooth or dental prosthesis is threadably inserted. Col. 5, lines 33-36. The Kwan reference fails to disclose or suggest a bone screw anchor system in which an implant is secured between a fastening device and a bone screw anchor, as set forth in amended Claims 19 and 39. The Kwan reference further fails to disclose or suggest an open tip, as set forth in Claim 19.

As set forth above, the cited art fails to disclose or suggest each and every feature of the amended independent claims. Moreover, combination of the Tronzo, Schultheiss et al., and Kwan references fails to render the independent claims obvious. Therefore, the art fails to anticipate or render obvious the amended independent claims and those claims dependent therefrom. Applicant respectfully requests reconsideration and withdrawal of the Section 102 rejections.

REJECTION UNDER 35 U.S.C. § 103

Claims 11 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tronzo (U.S. Pat. No. 4,653,489). This rejection is respectfully traversed.

Claim 11 is dependent upon Claim 1 and Claim 25 is dependent upon Claim 19. As set forth above, Claims 1 and 19 are not anticipated or obvious in light of the art.

Therefore, dependent Claims 11 and 25 are also not anticipated or obvious in light of the art at least for the reasons set forth above with respect to the claims upon which they depend.


Applicant respectfully requests reconsideration and withdrawal of this Section 103 rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Nov. 2, 2005

By: 
Richard W. Warner, Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

RRW/BGS/les